

Attorney's Docket No TRW(VSSIM)3971-1**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Eric C. Eriko

Serial No.: 10/053,144

Group No.: 1742

Filed: January 18, 2002

Examiner: Morillo, Janell C.

Date of mailing "Notice of Allowance and
Base Issue Fee Due" November 15, 2004**FAX RECEIVED****FEB 17 2005****OFFICE OF PETITIONS**

For: HIGH STRENGTH AIR BAG QUALITY STEEL

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: *Petitions to withdraw patent application from issue (37 CFR 1.313, MPEP § 1308) are decided by the Deputy Assistant Commissioner of Patents. MPEP § 1002(b). Letters requesting that the application be withdrawn from issue for purposes of interference with a patent (see MPEP § 1101.02(f)) require the approval of the Group Director. MPEP § 1003.*

WARNING: *Papers requesting that an application be withdrawn from issue after the issue fee is paid, and any papers associated with the petition, including papers necessary for filing a continuing application, may be addressed as above or be hand-carried to the Office of Petitions, at Two Crystal Park, Suite 913, April 14, 1993, 1150 T.M.O.G. 27-28.*

PETITION FOR WITHDRAWAL FROM ISSUE (37 CFR 1.313)**PETITION**

1. Applicant hereby petitions for the withdrawal of this application from issue.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that, on the date shown below, this correspondence is being:
MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
37 C.F.R. § 1.8(a) 37 C.F.R. § 1.10*

- ☒ deposited via facsimile at 571-273-0025 ☐ as "Express Mail Post Office to Addressee" Mailing Label No. (mandatory)

Signature

Teresa Ragone

(type or print name of person certifying)

Date: February 17, 2005

02/18/2005 AKELLEY 00000010 200090 10053144

01 FC:1464 130.00 DA

(Petition for Withdrawal from Issue (37 CFR 1.313) [9-37]-Page 1 of 3)

PATENT ISSUE FEE

2. The issue fee for this case

(complete (a) or (b))

- (a) ☐ has NOT been paid, but is due for payment on _____
- (b) ☒ has been paid on February 4, 2005

(complete the following, if known)

This application is scheduled to

- ☐ issue on _____
- ☐ as patent _____

NOTE: "While the specific time period varies, an allowed application generally receives a patent number and issue date within two weeks after the issue fee is received in the Patent and Trademark Office."
MPEP § 1308.

REASON(S) FOR WITHDRAWAL REQUEST

NOTE: "When the issue fee has been paid, the application will not be withdrawn from issue for any reason except: (1) A mistake on the part of the Office; (2) A violation of § 1.56, or illegality in the application; (3) Unpatentability of one or more claims; or (4) For interference; (5) For abandonment to permit consideration of an information disclosure statement under § 1.97 in a continuing application." 37 CFR 1.313(b).

3. The reason for the request for withdrawal from issue is:

(check applicable item(s) below)

- (a) ☐ there has been a mistake on the part of the Office.
- (b) ☐ there has been a violation of Section 1.56, or illegality in the application.
- (c) ☐ one or more of the claims are unpatentable.
- (d) ☐ for purposes of declaring an interference.
- (e) ☐ for abandonment to permit consideration of an Information Disclosure Statement under § 1.97 in a Request for Continued Examination (RCE). The Request for Continued Examination (RCE) is being filed today via Facsimile on _____.
- (f) ☒ other. Abandonment.

EXPRESS ABANDONMENT OF APPLICATION (37 C.F.R. 1.138)

(a) ☒ This application is hereby expressly abandoned. Applicant decided to abandon the above-identified application after applicant's attorneys paid the issue fee. A Request for Refund is attached.

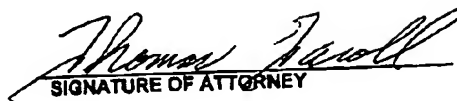
Further details as to the reason(s) for this withdrawal request are set forth on the attached _____ sheet(s).

PETITION FEES

NOTE: The fee need only be paid, if the reason for withdrawal is not the fault of the Office. 37 CFR 1.313(a).

4. The petition fee (37 CFR 1.17(i)) is paid as follows:

- ☐ Enclosed is a check in the sum of \$130.00
- ☒ Charge Account 20-0090 the sum of \$130.00.
A duplicate of this petition is attached.


SIGNATURE OF ATTORNEY

Thomas L. Taroll
(type or print name of attorney)

Taroll, Sundheim, Covell & Tummino LLP
526 Superior Avenue, Suite 1111
P.O. Address
Cleveland, OH 44114-1400

Reg. No.: 20,177

Customer No. 26,294

Practitioner's Docket No TRW(VSSIM)3971-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: Eric C. Erike
Application No.: 10/053,144 Group No.: 1742
Filed: January 18, 2002 Examiner: Morillo, Janell C.
For: HIGH STRENGTH AIR BAG QUALITY STEEL

☐ Patent No.:

Issued:

Commissioner for Patents
ATTENTION: REFUND SECTION, ACCOUNTING DIVISION, OFFICE OF FINANCE
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND
(37 C.F.R. 1.28(a))

FAX RECEIVED

FEB 17 2005

OFFICE OF PETITIONS

CERTIFICATION UNDER 37 CFR §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

- ☐ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

- ☒ transmitted by facsimile to the Patent and Trademark Office, (703) _____


SignatureDate: February 17, 2005Teresa Ragone
(type or print name of person certifying)

*Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

- NOTE: 37 C.F.R. § 1.28(a): "(a) Refunds based on later establishment of small entity status. A refund pursuant to § 1.28 based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."
- NOTE: Submission of a Change of Status (small/not small entity status) after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.
- WARNING: A request for a refund Submissions after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C.F.R. 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 28, 2001.

I. SUBMISSION OF SMALL ENTITY ASSERTION

(complete (a) or (b))

- (a) ☐ Attached is an assertion of small entity status in this application.
- (b) ☐ An assertion of small entity status was filed in this application on _____

II. REFUND REQUEST

- NOTE: 37 C.F.R. §1.28(b)(1): "(b) Date of Payment. (1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid..."

This request for refund is made within three months of the date the full fee was paid in this application on February 4, 2005. In the amount of \$1,745.00. Applicant wishes above-identified application to become abandoned.

- NOTE: If the fee was charged to a deposit account, a request for refund must be filed within two months of the date of the charge to the deposit account.

III. EXPRESS ABANDONMENT OF APPLICATION (37 C.F.R. 1.138)

- ☒ This application is hereby expressly abandoned. Applicant decided to abandon the above-identified application after applicant's attorneys paid the issue fee on February 4, 2005. The due date for paying the issue fee was February 15, 2005.

IV. FEES PAID FOR WHICH REFUND REQUESTED**AMOUNT OF
REFUND
REQUESTED**

<input type="checkbox"/>	Filing Fee	\$ _____
<input type="checkbox"/>	Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 CFR 1.16(e) or 37 CFR 1.16(l)).	\$ _____
	Or	
<input type="checkbox"/>	Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 CFR 1.16(e)).	\$ _____
<input type="checkbox"/>	Surcharge for filing the basic filing on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l)).	\$ _____
	Or	
<input type="checkbox"/>	Surcharge for filing the cover sheet on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l)).	\$ _____
<input type="checkbox"/>	Extension of term.	\$ _____
<input checked="" type="checkbox"/>	Issue fee/Publication fee.	\$ 1,745.00
	(this includes 15 soft copies advance ordered)	_____
<input type="checkbox"/>	Patent maintenance fee	
	<input type="checkbox"/> first maintenance fee	\$ _____
	<input type="checkbox"/> second maintenance fee	\$ _____
	<input type="checkbox"/> third maintenance fee	\$ _____
<input type="checkbox"/>	Patent maintenance fee surcharge.	\$ _____
NOTE: The refund provisions of §1.28(a), for later submitted small entity statements, apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37.		
<input type="checkbox"/>	Other	\$ _____

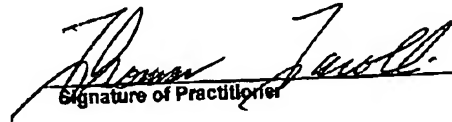
TOTAL REFUND REQUESTED \$ 1,745.00

V. MANNER OF REFUND

Please make refund by crediting:

☒ Refund. Please make check in the amount of \$1,745.00 payable to the law firm of Tarolli, Sundheim, Covell, & Tummino LLP at the below address.☐ Deposit Account No. 20-0090.☐ Credit card as shown on the attached credit card information authorization form PTO-2038.**WARNING:** Credit card information should not be included on this form as it may become public.☐ refunding overpayment.

Reg. No.: 20,177

Tel. No.: (216) 621-2234
Customer No.: 26,294
Signature of PractitionerThomas L. Tarolli
(type or print name of attorney)Tarolli, Sundheim, Covell
& Tummino L.L.P.
526 Superior Avenue, Suite 1111
P.O. Address
Cleveland, OH 44114-1400

(Request for Refund [7-8]-Page 4 of 4)

TOTAL P.08

TAROLLI, SUNDHEIM, COVELL, & TUMMINO L.L.P.
ATTORNEYS AT LAW
1111 Leader Building
Cleveland, Ohio 44114
Telephone: (216) 621-2234 Facsimile: (216) 621-4072

FACSIMILE COVER SHEET

To: Petitions Office – Petition to Withdraw From Issuance

Fax No.: 571-273-0025

From: Thomas L. Tarolli

Re: U.S. Erike Serial No.: 10/053,144, Group No.:1742,
Our File: TRW(VSSIM)3971-1

Date: February 17, 2005

No. of pages to follow: 7

FAX RECEIVED**FEB 17 2005****OFFICE OF PETITIONS****NOTICE**

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MESSAGE:

Attached is a Petition to Withdraw and a Request for Refund for the above-mentioned application.

Please confirm receipt, via facsimile.